

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

LEOLA MILBRY; as the Personal  
Representative of the Estate of  
EARLY MILBRY, deceased

Plaintiff,

vs.

GGNSC Montgomery, LLC (incorrectly  
identified as BEVERLY HC TYSON  
d/b/a TYSON MANOR, et al.),

Defendant,

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NO: 2:07-cv-837-MEF

**UNOPPOSED AND AGREED MOTION FOR EXTENSION OF DEADLINES  
AND FOR TRIAL CONTINUANCE**

Plaintiff moves this Court to extend the deadlines set forth in its Scheduling Order of October 22, 2007 and to continue the trial. In support of this motion, the Plaintiff states as follows:

1. On October 22, 2007, this Court entered a scheduling order requiring certain deadlines.
2. On June 12, 2008, Plaintiff requested this Court to extend the expert designation deadlines to July 17, 2008 for the Plaintiff and to August 18, 2008 for the Defendant.
3. On June 13, 2008, the Court ordered that said expert deadlines should be extended pursuant to Plaintiff's request.

4. On July 9, 2008, the Court entered its Order, granting the Motions for Admission of Gail Akin and Vicki Gilliam *Pro Hac Vice*.

5. Plaintiff would show that due to the fact that the newly associated counsel of Gail Akin and Vicki Gilliam have just recently obtained the file in this case, and further, due to the inability and unavailability of all counsel in this case to accomplish the discovery needed in order to meet all of the discovery deadlines and other deadlines, and to adequately prepare this case for trial, the Plaintiff is requesting that this Court extend all deadlines in this case for an additional six (6) months.

6. The undersigned spoke with Benjamin Broadwater, counsel for the Defendant, and was informed that the Defendant does not oppose and agrees to this motion. No prejudice will result to any party as a result of the extension of these deadlines.

7. Plaintiff respectfully requests this Court to enter an order extending the current deadlines as follows: Any dispositive motions shall be filed no later than **March 5, 2009**; face-to-face conference on **March 26, 2009**; Motions to amend the pleadings and to add parties shall be filed on or before **August 11, 2008**; All discovery shall be completed on or before **May 29, 2009**; Plaintiff shall identify her expert witness by **December 16, 2008**; Defendant shall identify its expert witness by **January 16, 2009**; On or before **June 2, 2009**, each party shall exchange the names, addresses and telephone number of all witnesses, except witnesses solely for impeachment purposes, separately identifying those whom the party expects to present and those whom the party may call if the need arises; On or before **June 2, 2009**, the parties shall identify any part of a deposition or other document that a party expects to use at trial; On or before **June 2, 2009**, the parties shall furnish opposing counsel for copying and inspection all exhibits or

tangible evidence to be used at trial, and proffering counsel shall have such evidence marked for identification prior to trial.

8. Plaintiff further requests that this case be continued from the January 2009 trial calendar to a later term of court, to be determined by the Court.

WHEREFORE, the Plaintiff respectfully requests that the Court amend the current Scheduling Order and continue the trial date as suggested above.

Respectfully submitted,

/s/ Gail S. Akin  
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel listed below by electronic notification on this the 10<sup>th</sup> day of July, 2008.

W. Benjamin Broadwater  
ALFORD, CLAUSEN & McDONALD, LLC  
One St. Louis Centre, Suite 5000  
Mobile, AL 36602

/s/Gail S. Akin